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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,922	03/15/2004	William D. Cymbal	DP-310238	9563
22851	7590	04/11/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC.			BROWN, DREW J	
M/C 480-410-202			ART UNIT	PAPER NUMBER
PO BOX 5052			3616	
TROY, MI 48007				

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,922	<b>Applicant(s)</b> CYMBAL ET AL.	
	<b>Examiner</b> Drew J. Brown	<b>Art Unit</b> 3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The specification denotes the plate with reference numeral 215, but the drawings do not contain reference numeral 215. It appears that reference numeral 115 should be changed to 215. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claims 1-4 and 13-16 are objected to because of the following informalities:
- In line 11 of claim 1, "sheer" should be changed to --shear--.
- In lines 4 and 5 of claim 2, "edges, of" should be changed to --edges of--.
- In line 1 of claim 3, "edges, of" should be changed to --edges of--.
- In line 3 of claim 4, "surfaces, of" should be changed to --surfaces of--. In line 4 of claim 4, "edges, of" should be changed to --edges of--.
- In lines 4 and 5 of claim 13, "edges, of" should be changed to --edges of--.
- In line 2 of claim 14, "edges, of" should be changed to --edges of--.
- In line 3 of claim 15, "surfaces, of" should be changed to --surfaces of--. In line 4 of claim 15, "edges, of" should be changed to --edges of--.
- In lines 16 and 17 of claim 16, "edges, of" should be changed to --edges of--.
- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 and 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 4, 15, and 16, the limitation that grooves in the top and bottom surfaces of the capsules engage the upper and lower edges of the secondary notch renders the claim indefinite. Referring to Figures 6 and 10, it appears that the grooves (186) engage the top and bottom edges (176) of the primary notch rather than the secondary notch.

With respect to claims 10 and 16, the limitation that a guide extends from the plate renders the claim indefinite because it appears that the guide consists of a recess in the plate rather than an extension from the plate. The Examiner recommends changing "extending from" to --extending within--.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

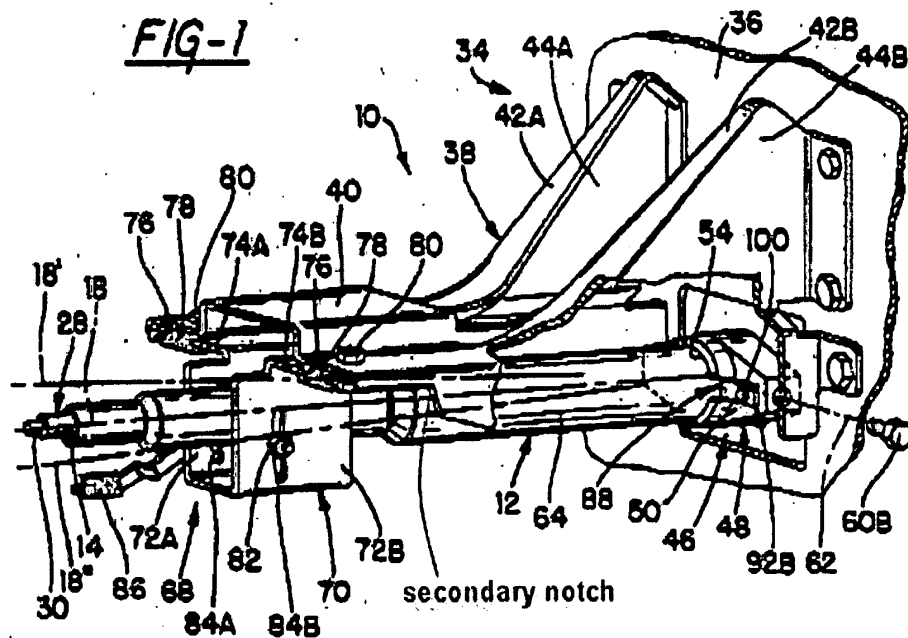
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinzman et al. (U.S. Pat. No. 5,669,634).

Heinzman et al. discloses a mounting bracket (38) including longitudinally extending spaced sidewalls (walls extending over flanges 74A and 74B in Figure 1) having inner surfaces facing toward one another, a release bracket having longitudinally extending spaced connecting walls (flanges 74A and 74B) interposed between the sidewalls with each of the connecting walls including a rearwardly-opening primary notch (76), a steering column mounted to the release

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bracket (column 3, lines 36-39), and shear capsules (78) removably disposed within each of the primary notches and fixed to the mounting bracket for coupling and supporting the release bracket against separation from the mounting bracket in response to application of axial shear force below a predetermined threshold value, and being responsive to application of an axial shear force above the threshold value to cause the capsules to separate from the release bracket to permit longitudinal movement of the release bracket relative to the mounting bracket in the direction of the shear force (column 4, lines 1-6). Each of the sidewalls of the mounting bracket include a secondary notch (as shown in drawing below), where the shear capsules are connected to the mounting bracket by being disposed within a selected one of the secondary notches for interconnecting the connecting wall with the sidewalls.



With respect to claim 2, each of the primary notches has top (top surface of flanges 74A and 74B) and bottom (bottom surface of flanges 74A and 74B) edges, diverging in a rearward direction at a predetermined angle (Figure 2) and each of the capsules has top and bottom

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surfaces diverging in a rearward direction at the same angle as the top and bottom edges of a selected one of the primary notches and slidably engaging the top and bottom edges of the notch.

***Allowable Subject Matter***

7. Claims 3 and 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 4 and 10-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 16, the prior art does not disclose a mounting bracket, a release bracket, a steering column, and a primary notch in the connecting walls that includes an indentation therein.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manwaring et al., Yamamura, Ryne et al., Gatti et al., Murakami et al., Hancock et al., Shimizu et al., and Bechtel et al. disclose similar collapsible steering columns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J. Brown  
Examiner  
Art Unit 3616

DJB  
4/5/06



**DAVID R. DUNN**  
**PRIMARY EXAMINER**